

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, )  
Plaintiff, ) Case No. CR09-3-RSL  
v. )  
RALPH ARTIAGA, III, )  
Defendant. )  
)  
)  
)  
)  
**PROPOSED FINDINGS OF FACT AND**  
**DETERMINATION AS TO ALLEGED**  
**VIOLATIONS OF SUPERVISED**  
**RELEASE**

## INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on June 29, 2009. The defendant appeared pursuant to a warrant issued in this case. The United States was represented by Helen Brunner, and defendant was represented by Michael Filipovic. Also present was U.S. Probation Officer Brian Facklam. The proceedings were digitally recorded.

## **CONVICTION AND SENTENCE**

Defendant was sentenced on October 7, 2009 by the Honorable Anna J. Brown of the District of Oregon for Bank Fraud. He received 6 months of imprisonment and 5 years of supervised release. On January 7, 2009, the Court accepted jurisdiction of the case.

**PRESENTLY ALLEGED VIOLATIONS AND  
DEFENDANT'S ADMISSION OF THE VIOLATION**

In a petition dated June 3, 2009, U.S. Probation Officer Brian Facklam alleged that

**PROPOSED FINDINGS OF FACT AND  
DETERMINATION AS TO VIOLATIONS OF  
SUPERVISED RELEASE -1**

1 || defendant violated the following conditions of supervised release:

1. Failing to be truthful with the probation officer in violation of standard condition 8.

2. Failing to follow the instructions of the probation officer in violation of standard

4 | condition 8.

3. Committing another federal, state, or local crime on or about May 24, 2009, in violation of standard condition 2.

4. Failing to pay restitution as directed in the months of January, February, April, and  
July 2009, in violation of the special conditions of supervision and schedule of payments.

5. Failing to appear for drug testing on March 11, March 12, April 1, and May 13, 2009  
Violation of standard condition 4.

11 Defendant admitted to violations 1 and 2. Defendant admitted to that he failed to make  
12 restitution as alleged in violation 4, and failed to appear for drug testing as alleged in violation 5  
13 but denied his failures were willful. The parties agreed that this issue of willfulness will be  
14 reserved for Chief Judge Lasnik to decide. The government moved to dismiss violation 3 without  
15 prejudice. Defendant waived any further hearing as to whether the violations occurred, and was  
16 informed the matter would be set for a disposition hearing July 9, 2009 before District Judge  
17 Robert S. Lasnik.

## **RECOMMENDED FINDINGS AND CONCLUSIONS**

19 Based upon the foregoing, I recommend the court find that defendant has violated the  
20 conditions of his supervised release as alleged above, and conduct a disposition hearing.

21 DATED this 29<sup>th</sup> day of June, 2009.

  
BRIAN A. TSUCHIDA  
United States Magistrate Judge

**PROPOSED FINDINGS OF FACT AND  
DETERMINATION AS TO VIOLATIONS OF  
SUPERVISED RELEASE -2**